

United States Bankruptcy Court

Eastern District of Virginia

Alexandria Division

In RE:

Marissa P. Gomez

Debtor

and Edgar Gomez Co-Debtor

Address: 8914 GRIST MILL WOODS CT

Alexandria, VA 22309

Last four digits of Social Security No.(s): XXX-XX-8133

BCN #: 13-13386\BKF

Chapter: 13

Notice of Motion

U.S. Bank National Association, as Trustee for Adjustable Rate Mortgage Trust 2005-11, Adjustable Rate Mortgage Backed Pass Through Certificates, Series 2005-11 has filed papers with the court to request an order granting relief from the Co-Debtor Stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the Motion, or if you want the court to consider your views on the Motion, then on or before, twenty-one days hence, you or your attorney must:

- File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

Clerk of Court

United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

You must also mail a copy to:

Susan C. Meyer, Esq.
501 Independence Parkway, Suite 203
Chesapeake, VA 23320
(757) 687-8777

- Attend the hearing on the motion or objection scheduled to be held on April 22, 2015 at the United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314 in Courtroom III at 9:30 AM.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

11-220522V

Dated: March 19, 2015

Shapiro & Brown, LLP

Attorneys for U.S. Bank National Association, as Trustee
for Adjustable Rate Mortgage Trust 2005-11, Adjustable
Rate Mortgage Backed Pass Through Certificates, Series
2005-11

By: /s/ Susan C. Meyer

Susan C. Meyer, Esquire, VSB #43445

Shapiro & Brown, LLP

501 Independence Parkway, Suite 203

Chesapeake, VA 23320

(757) 687-8777

Certificate of Service

I certify that I have this 19th day of March, 2015, electronically transmitted and/or mailed by first class mail, postage pre-paid, a true copy of the foregoing Notice of Motion to the following:

Nathan A. Fisher
3977 Chain Bridge Road, Suite 2
Fairfax, VA 22030

Thomas P. Gorman
300 N. Washington St. Ste. 400
Alexandria, VA 22314

Marissa P. Gomez
8914 GRIST MILL WOODS CT
Alexandria, VA 22309

Edgar Gomez
8914 GRIST MILL WOODS COURT
Alexandria, VA 22309

/s/ Susan C. Meyer

Susan C. Meyer, Esquire, VSB #43445

United States Bankruptcy Court
Eastern District of Virginia
Alexandria Division

In Re:
Marissa P. Gomez
Debtor

BCN#: 13-13386\BKF
Chapter: 13

U.S. Bank National Association, as Trustee
for Adjustable Rate Mortgage Trust 2005-
11, Adjustable Rate Mortgage Backed Pass
Through Certificates, Series 2005-11
or present noteholder,
Movant/Secured Creditor,

Motion for Order Granting Relief from
Codebtor Stay

v.
Marissa P. Gomez
Debtor
Edgar Gomez
Codebtor

and

Thomas P. Gorman Trustee
Respondents

U.S. Bank National Association, as Trustee for Adjustable Rate Mortgage Trust 2005-11, Adjustable Rate Mortgage Backed Pass Through Certificates, Series 2005-11, and/or present noteholder, (hereinafter “the Movant”), alleges as follows:

1. That the bankruptcy court has jurisdiction over this contested matter pursuant to 28 U.S.C. § 157 and § 1334; 11 U.S.C. § 362; Federal Rule of Bankruptcy Procedure 9014; 11 U.S.C. § 1301(C)(1) or (3), and Local Bankruptcy Rule 4001(a)-1.

2. That the above named Debtor filed a Chapter 13 Petition in Bankruptcy with this Court on July 23, 2013.

3. That Thomas P. Gorman has been appointed by this Court as the Chapter 13 Trustee in this instant Bankruptcy proceeding.

4. That the Movant is the current payee of a promissory note secured by a deed of trust upon a parcel of real property (hereinafter “the Property”) with the address of 8914 GRIST

MILL WOODS COURT, Alexandria, VA 22309 and more particularly described in the Deed of Trust dated July 25, 2005 and recorded as Deed Book/Instrument Number 17578, at page 1250 among the land records of the said city/county, as:

LOT 6, GRIST MILL WOODS, AS THE SAME APPEARS DULY DEDICATED, PLATTED AND RECORDED IN DEED BOOK 11640, AT PAGE 1902, AND RE-RECORDED IN DEED BOOK 11664, AT PAGE 866, AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.

5. Debtor executed a promissory note secured by a mortgage or deed of trust. The promissory note is either made payable to Creditor or has been duly endorsed. Creditor, directly or through an agent, has possession of the promissory note. Creditor is the original mortgagee or beneficiary or assignee of the mortgage or deed of trust.

6. That the Movant is informed and believes, and, based upon such information and belief, alleges that title to the subject Property is currently vested in the name of the Debtor and the Co-Debtor.

7. That as a title owner of the Property, the Co-Debtor receives consideration for the claim held by Movant.

8. That the Debtor is in default with regard to payments which have become due under the terms of the aforementioned note and deed of trust since the filing of the Chapter 13 petition.

9. That the Movant has elected to initiate foreclosure proceedings on the Property with respect to the subject Trust Deed but is prevented by the Co-Debtor stay from going forward with these proceedings.

10. That the Movant is informed and believes, and, based upon the Chapter 13 plan dated January 18, 2014 that the Debtor(s) intend to surrender the above mentioned property. The chapter 13 Plan was Confirmed on March 5, 2014.

11. That the Movant is informed and believes, and, based upon such information and belief, alleges that the Co-Debtor has little or no equity in the property.

12. That continuation of the Co-Debtor Stay pursuant to 11 U.S.C. § 1301 will work real and irreparable harm and deprive the Movant of the adequate protection to which it is entitled under 11 U.S.C. § 362 and § 1301.

WHEREFORE, Movant prays for an Order granting relief from the Co-Debtor stay in order to pursue its remedies under the terms of its Note and Deed of Trust, that the fourteen (14) day waiting period imposed by F.R.B.P. 4001(a)(3) be waived, for its attorneys fees and costs expended, and for such other and further relief as the Court and equity deem appropriate.

Dated: March 19, 2015

SHAPIRO & BROWN, LLP
Attorneys for Movant

By: /s/ Susan C. Meyer
Susan C. Meyer, Esquire, VSB #43445
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